

INTERIM IRM PROCEDURAL UPDATE

DATE: 12/16/2011

NUMBER: WI-21-1211-1973

SUBJECT: Updated Information on Responding to Calls on Pending Applications

AFFECTED IRM(s)/SUBSECTION(s): 21.3.8

CHANGE(s):

IRM 21.3.8.5.1.3.2(1) - Updated the chart with information about determination specialist number 31748 and added rows for applications in status 62 and assigned to a specific determination specialist and for applications in closed status 30.

1. If the caller wants to know the status of a pending EO determination/application request, including "A," "F," "P," "S" and "T" cases:
 - a. Obtain the name and address of the organization and its EIN (or DLN).
 - b. Verify disclosure to determine authorization. If the caller is a third party, the authority must be confirmed on EDS/TEDS. See IRM 21.3.8.4.1.5, "Taxpayer Authentication Procedures," for additional information.

NOTE: If the caller is authorized but does not have the EIN, research IDRS via cc's NAMEE/NAMEB or by name control/zip code on EDS/TEDS/LINUS to locate the EIN/determination case.

- c. Research EDS/TEDS to determine the current status of the case:

CAUTION: See IRM 21.3.8.11.2, "Dishonored EO/EP User Fee Checks," if the Dishonored Check indicator is "Y."

If the case is	And	Then
Assigned on EDS/TEDS (32/52/53/72/73) EXCEPTION: See below for cases in status 52/53/32 with determination specialist number 50250 and for cases in statuses 52/62/72 with determination specialist number 31101 or 31748.		See IRM 21.3.8.5.2.4 for guidance. NOTE: If the determination specialist number is 50XXX (other than 50250, as noted below) and the second F6 screen shows a group number rather than a specific determination specialist's name, prepare a Form 4442 referral to the Lead,

		who will contact HQ for the current status and respond to the caller.
<p>Not assigned on EDS/TEDS (status 34/38/39/41/50/51/56/58/60/61/62/63/64/75/91)</p> <p>NOTE: This includes cases in status 52/53/32 with determination specialist number 50250.</p> <p>EXCEPTION: See below for cases assigned in the Accelerated Processing program (71), for cases in status 52, status 62 or status 72 with determination specialist number 31101 or 31748, and for cases in status 62 assigned to a specific determination specialist.</p>	<p>The current application assignment information posted on www.irs.gov is later than the control date on EDS/TEDS</p> <p>EXAMPLE: The Internet indicates that applications received in December 2010 are being assigned and the control date of the application is October 2010.</p>	<ol style="list-style-type: none"> 1. Check the determination specialist number for the case on the first page of EDS/TEDS. 2. If the determination specialist number in EDS/TEDS reflects a category name (as opposed to an individual), explain to the customer that their case must be assigned to a specialized determination specialist due to the issues involved and will take longer. The assignment date displayed on the Web does not pertain to these cases. Do not prepare a Form 4442 for cases in these determination specialist numbers. 3. If asked what the issue(s) is/are, explain that you do not have access to the case and that our system does not indicate the specific issue(s), only that the case involves one or more of these issues and that the issues will be explained when the case is assigned and the determination specialist assigned the case contacts them. 4. If asked how much longer it will take to assign the case, apologize and explain that because the case must be assigned to specialized determination specialists, the time varies. Furthermore, explain that these cases are also assigned in the date order that the case was submitted.

		<p>5. If the determination specialist number is 31298 or any other number not associated with a category name, prepare a Form 4442 with the notation "Status Inquiry with control date prior to current assignment date." Control the Form 4442 to the TEGE Correspondence Unit (office code 31) and forward it to your Lead, who will forward the referral to the TEGE Correspondence Unit (fax 513-263-4330). Tell the caller he will be contacted within 30 days.</p>
	<p>The current application assignment information posted on www.irs.gov is the same month as, or prior to, the control date on EDS/TEDS</p> <p>EXAMPLE: The Internet indicates that applications received in December 2010 are being assigned and the control date of the application is June 2011.</p>	<p>1. Advise the caller that the case is not currently assigned and that he/she will be contacted if additional information is needed or when the application is approved. If the current assignment month is the same as the control date month of the EDS case, inform the caller that the case should be assigned soon.</p> <p>2. Refer the caller to www.irs.gov for the current application processing date.</p> <p>3. Advise the caller to enter in the search box: "Where is my exemption Application?"</p>
Unassigned in the Accelerated Processing or the Intermediate Processing programs (status 71)	The current application assignment information posted on www.irs.gov is	Prepare a Form 4442 with the notation "Status Inquiry with control date prior to current assignment date." Control the Form 4442 to the TEGE Correspondence Unit (office

	<p>later than the control date on EDS/TEDS</p> <p>EXAMPLE: The Internet indicates that applications received in December 2010 are being assigned and the control date of the application is October 2010.</p>	<p>code 31) and forward it to your Lead, who will forward the referral to the TEGE Correspondence Unit (fax 513-263-4330). Tell the caller he will be contacted within 30 days.</p>
	<p>The current application assignment information posted on www.irs.gov is the same month as or prior to the control date on EDS/TEDS</p> <p>EXAMPLE: The Internet indicates that applications received in December 2010 are being assigned and the control date of the application is June 2011.</p>	<p>Tell the caller that his/her application is awaiting assignment in the Accelerated Processing or Intermediate Processing program for minimal development and that the organization will be contacted by a determination specialist as soon as it is assigned to let them know what further information is needed.</p> <p>If the caller asks for examples of "minimal development," you may cite a few of the following examples as typical defects, but note that this list is not all inclusive and that the applicant may need to address multiple issues:</p> <ul style="list-style-type: none"> ▪ organizing document is missing ▪ the organizing document submitted with the application is not a filed copy ▪ the organizing document needs to be amended to

		<p>comply with IRC section 501(c)(3) language</p> <ul style="list-style-type: none"> ▪ bylaws are missing ▪ foundation status may be incorrect (applicant may have requested private foundation but they best qualify as a public charity) ▪ signatures missing or unauthorized ▪ fiscal year month may be conflicting ▪ user fee may be insufficient ▪ financial information may be incomplete
In status 52/62/72 with determination specialist number 31101 or 31748		<p>Advise the caller their application has been worked by the determination specialist and is currently in the review process. This process could take an additional 30 days to complete from the date the case went into that status. If additional information is needed, the caller will be contacted.</p> <p>NOTE: If the case has been in this status for more than 30 days, prepare a Form 4442 referral with the contact information and send it to the attention of the Adjustments Unit manager (fax 513-263-4330).</p>
In status 62	The case shows assigned to a specific determination specialist	<ul style="list-style-type: none"> ▪ Inform the caller that the case is currently going through the initial screening process to determine whether the application can be approved based on the information submitted with the application

		<p>package or whether additional information will be needed and that this process takes about 30 days to complete.</p> <ul style="list-style-type: none"> ▪ If the application has been in this status for more than 45 days, prepare a Form 4442 referral with the contact information and send it to the attention of the Adjustments Unit manager (fax 513-263-4330).
In suspense status 37		Refer to IRM 21.3.8.12.17, "EO Case Development: Cases in Suspense Status (Status 37, EDS Letter 4587) and Cases in Failed to Establish (FTE) Status (Status 11 and Status 12, EDS Letter 1314)."
In review status 31/33/35/40		<p>Advise the caller their application has been worked by the determination specialist and is currently in the review process. This process could take an additional 120 days or more to complete from the date the case went into that status. If additional information is needed, the caller will be contacted.</p> <p>NOTE: If the case has been in review status for longer than 120 days, prepare a Form 4442 to the Lead with the appropriate contact information and tell the caller she/he will be contacted within 30 days. The Lead will forward the pertinent information to the Headquarters Analyst, who will contact EO Determinations for a status update and notify the Lead, who will contact the caller.</p>

		<p>CAUTION: Advise the caller that there is no guarantee that the reviewer will agree with the determination specialist's development of the case and/or the ruling she/he made. The application could be returned to the determination specialist for further development or put back into the general inventory to be re-assigned to a higher-graded determination specialist.</p>
In review status 55/57/74		<p>Advise the caller their application has been worked by the determination specialist and is currently in the review process. This process could take an additional 30 days to complete from the date the case went into that status. If additional information is needed, the caller will be contacted.</p> <p>NOTE: If the case has been in review status for longer than the prescribed time, prepare a Form 4442 to the Lead with the appropriate contact information. The Lead will forward the pertinent information to the Headquarters Analyst, who will contact EO Determinations for a status update and notify the Lead, who will contact the caller.</p> <p>CAUTION: Advise the caller that there is no guarantee that the manager will agree with the determination specialist's development of the case and/or the ruling she/he made. The application could be returned to the determination specialist for further development or put back into the general inventory to be re-assigned to a higher-graded</p>

		determination specialist.
<p>In closed status (01/02/03/06/08/09/11/12)</p> <p>NOTE: The favorable closed statuses are 01/06/09 (but be sure to check the F4 closing information to ensure there were no user fee payment problems before telling the caller the case was closed favorably).</p> <p>CAUTION: Research cases closed in status 11/12 by EIN, not just by DLN, to ensure that you have the most current information. Re-opened cases are assigned new DLNs.</p>		<p>See IRM 21.3.8.5.2.4(1).</p> <p>See IRM 21.3.8.11.1.1.1, "Processing Applications That Are Substantially Incomplete (Letter 1042)," for applications in status 03 (or status 12 prior to December 2008).</p> <p>NOTE: Organizations should allow two weeks from the date their application was closed favorably (based on the status date, not on the "Letter Prepared" date) to receive their determination letter. If it has been longer than two weeks and the caller states that the letter was not received, verify the address on EDS/TEDS.</p> <ul style="list-style-type: none"> ▪ If the address is correct, inform the caller that she/he will have to send a written request for a copy of the letter. See IRM 21.3.8.12.18, "Requests for Previously-Issued EO Determination Letters." You may prepare an affirmation letter to satisfy the organization until the copy can be sent. ▪ If the address is incorrect, instruct the caller to send the address change information and a request to send a (corrected) copy of the determination letter to the TEGE Correspondence Unit at the fax number shown above or to P.O. Box

		2508, Room 4024, Cincinnati, OH 45201. See IRM 21.3.8.9.5, "Address Changes/Misdirected Mail." Refer to (6).
<p>In closed status 30</p> <p>CAUTION: Research cases closed in status 30 by EIN, not just by DLN, to ensure that you have the most current information. Re-opened cases are assigned new DLNs.</p>		<ul style="list-style-type: none"> Status 30 indicates a "dumped" case. Certain fields on EDS cannot be changed once the case is entered so the only way to make a correction is to "dump" the case and re-enter it with the correct information. If the case has been in status 30 for more than 30 days and no new case has been established under the organization's EIN, prepare a Form 4442 referral with the contact information and send it to the attention of the Adjustments Unit manager (fax 513-263-4330).
<p>In status 04</p>		<p>Tell the caller that our records indicate that the organization withdrew its application. If the organization wants to pursue formal exemption, it will have to submit a new application and pay another user fee.</p> <p>NOTE: If the caller has questions about the withdrawal (e.g., who requested it), tell the caller to write to the TEGE Correspondence Unit, P.O. Box 2508, Room 4024, Cincinnati, OH 45201 (fax 513-263-4330).</p>
In status 54 (Transfer to Appeals)	The case has	Prepare a Form 4442 referral to

	<p>been in that status for at least two weeks</p> <p>NOTE: If the case has been in status 54 for less than two weeks, explain to the caller that we will check on the status only after it has been at least two weeks since the case was transferred.</p>	<p>your Lead with the caller's contact information and the identifying information for the organization. The Lead will check the status with Appeals per IRM 4.13.6.1, "Appeal Rights," and will contact the caller with the information.</p>
In status 59 on TEDS		<p>Respond to the caller based on the case status displaying on page 1 of EDS.</p> <p>NOTE: Status 59 is a TEDS only status. It denotes a case that is no longer being processed on TEDS, but rather is being processed manually on EDS. This status displays on the history page of EDS but not on page 1. It defaults to the TEDS status that the case was in prior to being put into status 59; this is the status that displays on page 1 of EDS.</p>
In EDS status 90		<p>This is an indication that a Letter 1048 or, prior to the elimination of the advance ruling period, a Letter 1046 was issued to the organization.</p> <ul style="list-style-type: none"> ▪ If the caller is authorized and there is no favorable "F" case on EDS/TEDS, discuss the need for the

		<p>organization to submit the appropriate foundation follow-up information.</p> <p>NOTE: If there is an unfavorable F case and the authorized caller says that the organization should qualify as a public charity, discuss the 60-month termination process. See IRM 21.3.8.12.5.4.1, "Section 507(b)(1)(B) Terminations (60–Month Terminations)", for additional information.</p> <ul style="list-style-type: none"> ▪ See IRM 21.3.8.5.1.3.1, "Verification of Tax Exempt Status and Foundation Classification," specifically paragraph (3), if the caller is not authorized.
<p>Not on Letter and Information Network User Fee System (LINUS) or EDS/TEDS:</p> <p>CAUTION: Before concluding that the application is not on the system, verify that you are in the correct data base, i.e., that you are researching the EO data base for an EO application.</p>		<p>1. Ask the caller when and where the application was filed and if a user fee was submitted and processed. If the caller is unsure, research IDRS to make sure the organization doesn't already have exemption or isn't covered by a group ruling. If it has been less than four weeks since the application was submitted, explain that it takes up to four weeks for the information to show on our tracking system once it has been received and that it may take up to three weeks from the mailing date to receive the acknowledgement letter. (If the</p>

		<p>application was submitted more than four weeks prior to the call, the case will show on LINUS regardless of whether a user fee was submitted or not.) NOTE: Forms 1023 with revision dates prior to June 2006 will not be entered on EDS/TEDS.</p> <p>2. Instruct the caller to submit a copy of the application and of the front and back of the cancelled check or money order, if applicable, to the Adjustments Unit, P.O. Box 2508, Room 4024, Cincinnati, OH 45201 (fax 513-263-4330). EXCEPTION: If it has been more than four weeks since the organization sent the application to the correct address and the user fee has not been processed, instruct the caller to send a complete copy of the application and a new user fee payment. The organization will have to decide whether to put a "stop payment" on the original check. If it chooses not to and the original user fee payment is located and processed, the excess amount will be refunded to the organization.</p>
<p>On LINUS but not on EDS/TEDS NOTE: When the application is received, the address is updated in LINUS up front only if the case is not going through TEDS. For cases processed through TEDS, the address is updated from the application. LINUS will be updated within 48 hours of the case being established in TEDS.</p>	<p>Application was submitted with no/insufficient user fee and/or on an obsoleted form</p>	<p>See IRM 21.3.8.11.5, "Applications with No/Insufficient Fee and/or on Obsoleted Forms."</p>
	<p>Application was submitted</p>	<p>Prepare a Form 4442 referral to the TEGE Correspondence Unit</p>

	with the appropriate user fee and on the correct form	(fax 513-263-4330). EXCEPTION: Do not prepare a Form 4442 if it has been less than 10 business days since the application was received. Inform the caller that the application was received but that it takes up to 10 business days to appear on the application tracking system.
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